

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

JUDITH VOLOVSEK,

Plaintiff,

v.

**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION,**

Defendant.

No. 00-CV-550-DRH

ORDER

HERNDON, District Judge:

On September 28, 2005, the Court set this matter for trial on November 7, 2005 (Doc. 102). On September 29, 2005, Defendant's counsel filed a motion to continue trial. (Doc. 104.) Defense counsel requests a continuance because of several upcoming trials previous to the instant case and also several substantive pleadings to be filed prior to November 7, 2005. Further, defense counsel states that Defendant's Motion in Limine (Doc. 100) should dispose of the need for a jury trial.

The Court **DENIES** Defendant's Motion to Continue. The Court does not feel that Defendant has been denied an adequate amount of time to prepare for trial in this five-year old case, regardless of defense counsel's current trial calendar. In addition, the Court intends to deny Defendant's Motion in Limine in a separate

Order to follow. Accordingly, a jury trial in this case remains set for November 7, 2005, at 09:00 AM in Courtroom 284.

IT IS SO ORDERED.

Signed this 5th day of October, 2005.

/s/ **David RHerndon**
United States District Judge